

This meeting was closed to the public due to Covid 19

MINUTES

MINUTES OF THE REGULAR SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON TUESDAY, JULY 7, 2020 AT 7:00 PM AT THE CITY HALL BUILDING, 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR SMITH AT 7:03PM.

ROLL CALL

COUNCIL

Councilmember Louis Pawlik, Ward III, Mayor Pro Tempore
Councilmember Joni Giacomino, Ward II
Councilmember Bill Higgins, Ward I
Mayor David M. Smith
Councilmember Leslie Johns, Ward I
Councilmember Joan Hansen, Ward II
Councilmember Anna Cline, Ward III

STAFF

Theresa Coleman, City Manager
Ashlee Coronado, City Clerk
Jesus Haro, Public Works Director
Albert Echave, Police Chief
George Castillo, Fire Chief

CITY ATTORNEY

James Ledbetter

INVOCATION: Mayor Smith said that for a moment of silence we had a lot to contemplate with the rising numbers of Covid cases. On a sadder note we lost one of our retired firefighter, Kyle Mitz. He asked that everyone join him in a moment of silence.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith announced that unless something dramatic changes this would be our last in person meeting. Meetings would be held virtually beginning July 21st. He said that the public would be able to log on and view the meeting.
- Mayor Smith said that he received several phone calls regarding an incident that happened on Brewery Gulch and because of that he wanted Mr. Higgins to make a statement.
 - Councilmember Higgins spoke on the mural on Garden Avenue by Rose Johnson and the process he went through to have it placed there. He spoke about the rules for the historic district. He said he was passionate about maintaining the historic district. He went on to say that he became heated over violations of these rules. He apologized to all the residents of the City of Bisbee for this. He requested forgiveness and said it would not happen again.

CALL TO THE PUBLIC

THE FOLLOWING ITEMS WERE DISCUSSED, CONSIDERED AND/OR DECIDED UPON AT THIS MEETING:

GENERAL BUSINESS:

1. ACCOUNTS PAYABLE: Subject to availability of funds

MOTION: Councilmember Cline moved to approve accounts payable in the amount of \$491,587.58.

SECOND: Mayor Smith

Councilmember Cline asked about the payments to mutual of Omaha and why it stated it didn't exist.

Ms. Coleman responded said that it was uploaded in the wrong format and manually corrected.

Councilmember Cline asked about contract services to Cochise County.

Ms. Coleman responded that this was regarding the Bisbee Master Mobility plan.

Councilmember Cline asked about the purchase of banners and what they were for.

Ms. Coleman responded that those were the mask banners that were hanging throughout Bisbee. She said that was a real reimbursable expense

Councilmember Cline asked about a shoe polish purchase in the Police Department. She also asked about a purchase to Lee's Auto Sales. She wanted to know why we were approving it on accounts payable before it had even come before Council.

Ms. Coleman responded she did not know what they were polishing. Ms. Coleman responded that the Lee's Auto Sales purchase was the emergency purchase later on in the agenda.

Councilmember Cline asked about the storage container unit that was purchased for special event.

Mr. Haro said that this was purchased to be able to store the items for special events and Festival of Lights. Multiple proposals were received.

Councilmember Higgins requested information on the ACMA renewal.

Ms. Coleman responded that it was the Arizona City Managers Association.

Councilmember Cline asked about the payment to AmBiServ. It was her understanding we were through with them.

Mayor Smith thought that there may be some overlap between the old and new company.

Ms. Coleman responded that she would look into it and have the Finance Director follow-up.

MOTION PASSED: AYES- 5 NAYS-02

Mayor Smith apologized for getting ahead and not going to call to the public. He requested to go back to that item.

CALL TO THE PUBLIC-

Susan Payne, said that her hat was off to the Mayor for taking a stand on face coverings. She said that many people would feel safe enough to shop in the community. She thanked him for his wisdom to protect all.

Yvette Ponte, said that she was concerned about Main Street, and every retail establishment in 85603. She said that there were 35 retail businesses as of July 6 that were closed. She said that physical health of the community was being addressed while the financial health of the community was not. She said that the primary industry was tourism. If we disregarded this, we would find ourselves on the brink of becoming a ghost town in the midst of a pandemic. She proposed that that an ad hoc committee be created under temporary ordinance to help Main Street victims of Covid 19. She requested that it be added to a future agenda if enough interest was expressed.

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on June 16, 2020 at 7:00 pm.

Ashlee Coronado, City Clerk

- B. Approval of a Liquor License Application for Electric Brewing located at 1326 W. Highway 92 #8, Bisbee Arizona; Joseph Charles, Fredrickson, Applicant.

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the consent agenda items 2A & B.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

OLD BUSINESS

NEW BUSINESS

- 3. Discussion and Possible Approval of a Memorandum of Agreement with NOTAM Manager System between Aeronautical Services (AJM-336) of the Federal Aviation Administration (FAA) and the Bisbee Municipal Airport (P04).

Jesus Haro, Public Works Director

Mr. Haro said that this agreement would allow us to use the FAA’s NOTAM System. This would allow us to notify aircraft’s coming into our airport of things that they may need to know such as conditions on the runway, etc. He went on to say that they would receive training as to how to use the system.

Councilmember Pawlik asked if we already had the equipment necessary. He also requested information on cost to the city.

Mr. Haro said that we would be responsible for providing our own computers. This was more specific to us using our own computers. He said Internet access was not available at the airport currently. This was something that was being looked into. Mr. Haro said in regard to cost it would be the cost of supplying Internet.

Councilmember Giacomino asked what kind of Internet would be used.

Mr. Haro said currently they were utilizing a jet pack from the library, but was still researching other options.

MOTION: Councilmember Pawlik moved to approve the Memorandum of Agreement between the Aeronautical Services (AJM-336) of the Federal Aviation Administration (FAA) and the Bisbee Municipal Airport (P04).

SECOND: Councilmember Higgins

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

4. Discussion and Possible Approval to enter into an Agreement with Lytx for a Drivecam Program Trial Agreement.

Jesus Haro, Public Works Director

Mr. Haro explained this was a trial for cameras that had the ability to view the front facing picture along with the driver’s cab. This was more specifically for the trash vehicles. There was the option to use on other vehicles if necessary. This was a trial free of charge, if we decide we did not want to go into the paid service agreement we would simply remove the cameras and send them back. Part of the trial would be them coming here and installing the cameras and training staff.

Councilmember Pawlik asked what the benefit of this was to the city.

Mr. Haro responded that his interest was because of the number of phone calls they received during the week regarding trash not being picked up. These cameras have the ability to view live or rewind and watch back. This would give us a way to look back and see if there was a reason the trash was not picked up.

Councilmember Pawlik asked what the cost would be if we chose to keep this service.

Mr. Haro responded that it was around \$1000 per camera. This included all of the software, they would maintain the video footage on their servers. This would be an annual service agreement. He stated we would receive six cameras as part of the trial.

MOTION: Councilmember Pawlik moved to approve the agreement with Lytx for a Drivecam Program Trial Agreement.

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Johns, Hansen and Mayor Smith.

NAYS: Councilmember Higgins and Cline

MOTION PASSED: AYES -5 NAYS -2

5. Discussion and Possible Approval to enter into a contract with KE&G Construction, Inc. to apply an asphalt overlay to Tombstone Canyon.

Jesus Haro, Public Works Director

Mr. Haro said that this was something he had been working on for quite some time. The Streets and Infrastructure Committee wanted something that would last sometime. He received three proposals on this project including one from KE&G. he explained that KE&G was a part of a cooperative contract. He explained that this would Include Naco Rd., Main Street and Tombstone Canyon and this would be a 2 inch overlay with thermoplastic striping. He said that this amount was available in the budget. If approved this project would begin at the end of July or beginning of August.

Councilmember Cline asked who the other bidders were and why those bids were not included as part of the packet.

Mr. Haro responded they were Tucson asphalt and Sunland Asphalt. Mr. Haro said that he could provide them but KE&G was a part of a cooperative contract. Meaning that it had already gone out to bid.

Councilmember Cline said that she would like to see the other bids. She knew that KE&G had done a lot of work for us in the past, but they were known for having a lot of change orders.

Councilmember Pawlik asked if Mr. Haro remembered what the amount of the bid that was received on this last year.

Mr. Haro responded that the slurry seal came in at \$480,000. This was a full asphalt overlay.

Councilmember Giacomino asked what herbicides would be used.

Mr. Haro responded that he did not know, but would find out. It was being applied to stop the undergrowth.

MOTION: Councilmember Pawlik moved to approve the contract with KE&G Construction, Inc to apply an asphalt overlay to Tombstone Canyon.

SECOND: Councilmember Higgins

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

6. Discussion and Possible Acceptance of a Grant from USDA Rural Development to conduct a feasibility study for a 1.8 mile shared use path along State Route 80 and approval of grant match in the amount of \$23,205.75.

Theresa Coleman, City Manager

Ms. Coleman asked that when the motion was being considered additional information was located regarding the match portion. The city's grant match portion was \$2,344.00. She said that this was a grant application that was put together by some volunteer grant writers specific to a feasibility study for a path around the lavender pit. Our city commitment was \$2,344.00. A portion of that was cash and in-kind services. Cochise County Planning Department and Arizona Department of Transportation both have also pledged a portion of the match.

Councilmember Cline asked which department the funds would come from.

Ms. Coleman responded that it would come from Community Development.

MOTION: Councilmember Higgins moved to accept the grant from USDA Rural Development to conduct the feasibility study for a 1.8 mile shared use path along State Route 80 and approval of grant match portion of \$2,344.00.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

7. Discussion and Possible Approval of a Contract with Code 3 Motors for the Purchase of an Ambulance.
George Castillo, Fire Chief

Chief Castillo explained that this contract would allow them to purchase a 2012 Ford ambulance. This vehicle only had 44,000 miles on it and out of all the units that staff looked at this was the best deal.

Councilmember Giacomino asked why we were looking into leasing vehicles. This would allow us to build his fleet up like he needs.

Ms. Coleman responded that a lease was considered at the last Council meeting for a garbage truck at a 3% rate. We as a city do not earn 3% interest on our money. This would be an opportunity to borrow from our enterprise fund at 3% and pay it back to ourselves instead of an outside organization.

Councilmember Pawlik asked if anyone from the department had checked this vehicle out.

Chief Castillo explained that no not as of yet, but upon delivery the city mechanics would look over the vehicle before any money exchanges hands.

Councilmember Cline wanted to confirm that this would be delivered to us. She also asked how soon we would take possession of the vehicle.

Chief Castillo said that was correct it was free delivery. If approved they would make the call tomorrow to see how soon it could be delivered.

MOTION: Councilmember Cline moved to approve the contract with Code 3 Motors for the purchase of an ambulance in the amount of \$50,000.00 plus tax and title.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

8. Discussion and Possible Approval of an Emergency Purchase of 2 vehicles from Lee's Auto Sales in the amount of \$23,993 for the Police Department.

Theresa Coleman, City Manager

Ms. Coleman said that the Police Department was acquiring vehicles through Cochise County, they were no longer making vehicles available to us due to budget shortfalls and also the fact that manufacturing schedules were behind. She went on to explain that Council had approved a contract with E-Fleets for two new pickup trucks for the Police Chief and Deputy Chief, but due to a shutdown of manufacturing we do not know if those vehicles would be produced this year or next year. We were still in line for the vehicles but we do not know when they would be ready. Since then the Deputy Chief had given over his patrol car and the Chief was driving his own personal vehicle. We finally had to make the decision that we could not wait any longer and authorize the emergency purchase of these two vehicles for the Chief and the Deputy Chief.

Councilmember Giacomino asked why there was such a dire need right now were there not any usable vehicles in the meantime. She asked about the vehicles sitting in the lot and if they were drivable. If they were not drivable why did we still have them.

Ms. Coleman responded that the reason we still had them was because they were not ready in time for the auction.

Councilmember Giacomino asked how many drivable police vehicles we had.

Ms. Coleman responded there were 7 to 9 patrol cars and then cars for the Chief and the Deputy Chief.

Councilmember Giacomino asked why those cars could not be utilized while they were on duty; were they for the purpose of driving home and back to work every day. She didn't understand why we needed to buy these vehicles right now when our financial status was so unknown.

Ms. Coleman said that we were budgeted for the vehicles we had ordered. She explained that if we take possession of the new vehicles these vehicles could be reassigned to other departments.

Councilmember Cline asked if there were any seizure vehicles that were usable like Chiefs in the past had.

Ms. Coleman responded that the Chief's vehicle was the last vehicle available and then the Deputy Chief's vehicle was needed.

Councilmember Pawlik asked if there was a performance period in the E-fleets contract.

Ms. Coleman responded no, we were under no obligation to take possession of the vehicles.

Councilmember Cline said that she had an issue with Council even having to discuss it after it was approved. She preferred that it come to Council before the purchase was made.

Ms. Coleman said that we were in a situation where the Police Chief was driving his own personal vehicle.

Councilmember Cline said that we also have a situation where we have two police officers driving their patrol units to Sierra Vista and another one driving a unit to Douglas. They could be driving their own personal vehicles to and from their different towns and picking a unit up when they were in Bisbee.

MOTION: Councilmember Higgins moved to approve the emergency purchase of 2 vehicles from Lee's Auto Sales in the amount of \$23,993 for the Police Department.

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Higgins, Johns, Hansen and Mayor Smith.

NAYS: Councilmember Giacomino and Cline

MOTION PASSED: AYES -5 NAYS -2

- 9. Discussion and Possible Approval of a Memorandum of Understanding between the City of Bisbee and Step Up Bisbee/Naco, Inc. establishing a Joint Partnership for restoration of property located at 121 Fort Huachuca Lane.

Theresa Coleman, City Manager

Ms. Coleman explained that when it came to workforce housing the Step Up Bisbee/Naco group was very interested in partnering with the city in order to get a program started. She said that they had obtained a \$50,000 grant which they utilized to help purchase the property at 121 Fort Huachuca Lane. She understood that they were seeking an additional grant from Western bank today.

Councilmember Cline asked for more information about workforce housing.

Ms. Coleman responded that the term workforce housing was a term that applied to homes where the buyers qualify for conventional financing from the bank. She explained that this was similar to the habitat model.

Councilmember Cline asked if this would be specifically for city employees.

Ms. Coleman responded that Step Up Bisbee/Naco was interested in developing housing for nurses, teachers, firefighters and police officers. Before the first house goes up for sale we would have an affordable housing program approved by the Council.

MOTION: Councilmember Higgins moved to approve the Memorandum of Understanding between the City of Bisbee and Step Up Bisbee/Naco, Inc establishing a Joint Partnership for restoration of property locates at 121 Fort Huachuca Lane.

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 10. Discussion and Possible Approval of a Memorandum of Understanding between the City of Bisbee and Step Up Bisbee/Naco, Inc. establishing a Joint Partnership for restoration of homes within the City of Bisbee’s Corporate Limits.

Theresa Coleman, City Manager

Ms. Coleman explained that this was a general memorandum as a opposed to the last one which was very property specific.

Councilmember Giacomino asked if there was a way to provide Council with the procedures necessary to qualify for this housing.

Ms. Coleman said that a draft housing program was provided to the City Attorney for review and before any of these houses are sold it would come back to Council for approval.

MOTION: Councilmember Higgins moved to approve the Memorandum of Understanding between the City of Bisbee and Step Up Bisbee/Naco, Inc. establishing a Joint Partnership for restoration of homes within the City of Bisbee’s corporate limits.

SECOND: Councilmember Johns

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

11. Discussion and Possible Approval of a Court Consolidation Agreement between the City of Bisbee and Cochise County.

Theresa Coleman, City Manager

Ms. Coleman said that this had been under development for a while. We had been operating under our previous agreement. This agreement does include the county’s commitment to pay the justice so that we will no longer be paying a separate justice fee. That was a total of \$12,000 a year. That was one of the reasons we were patiently waiting for them to develop this agreement.

Councilmember Giacomino asked if we would be getting any money out of it. Would we be receiving money from tickets? Right now the County kept money they received from tickets. She asked if this was the same deal.

Ms. Coleman said that was correct.

Councilmember Giacomino asked if we would be looking into bringing the magistrate back to the city in the future.

Ms. Coleman said she could bring that information to Council for their consideration.

MOTION: Councilmember Higgins moved to approve the Court Consolidation Agreement between the City of Bisbee and Cochise County.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

12. Possible Approval of a motion to go into Executive Session for the purpose of Discussion and Consultation with City Attorney to provide legal guidance on Pending Matters.

Per ARS § 38-431.03(a)(3)(4)(7), the City Council may vote to go into executive session for discussion or consultation for legal advice with the attorney or attorneys of the public body and for Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation and for Discussion or consultation with designated representatives of the public body

in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

Theresa Coleman, City Manager

MOTION: Councilmember Pawlik moved that the Mayor and Council go into Executive Session pursuant to ARS § 38-431.01(a)(3)(4)(7) for the Purpose of Discussion and Consultation with City Attorney to provide legal Guidance on pending matters.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Higgins moved to come out of Executive Session.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

13. City Manager's Report:

- Fire Inspections- Ms. Coleman said that there was some concern with businesses being closed and whether or not they would be able to pay for their fire inspection. She would come back to Council at the next meeting with the proposal using the Arizona cares money to encourage businesses to get their fire inspection. This would waive the \$75 inspection fee.
- PPE Donations- Ms. Coleman said we received a donation of some masks and gloves from Premier Alliance. Those masks were made available to the public by the Fire Department.
- Partnership Agreements - Ms. Coleman said that we were rethinking partnership agreements. If there were questions about any of the partnership agreements, please feel free to reach out to her.
- Other Current events (No Discussion)- Ms. Coleman informed the Council that the library worked with people on the women’s suffrage plaque. It would be mounted on the side of the library.

COUNCIL COMMENTS OR FUTURE AGENDA ITEM SUGGESTIONS: (Council members may suggest topics for future meeting agendas, but Council will not here discuss, deliberate or take any action on these topics.):

- Councilmember Cline commented on the loss of retired Firefighter Mitz. He served 20+ years with Bisbee Fire. She said to rest easy firefighter Mitz. Councilmember Cline also read words from retired Fire Chief Earnest who sent his condolences and memories of Firefighter Mitz.

ADJOURNMENT:

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:58 PM

David M. Smith, Mayor